

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 20, 2012
SAN FRANCISCO, CALIFORNIA**

S205145 H036414 Sixth Appellate District **PEOPLE v. DIAZ (DORA)**

Petition for review granted

Defendant's petition for review is granted. In accordance with California Rules of Court, rule 8.516, the parties will brief and argue only the following issues: (1) Did the trial court err by failing to instruct the jury sua sponte that it must consider defendant's extrajudicial, oral statements with caution when the statements constituted the criminal act? (2) If so, did the Court of Appeal correctly conclude that the trial court's failure to instruct was harmless error? For the purposes of briefing and oral argument, the People are deemed the petitioner in this court. (Cal. Rules of Court, rule 8.520(a)(6).)

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, Chin, Corrigan, and Liu, JJ.

S205426 B241441 Second Appellate District, Div. 8 **TAYLOR (LEIF) v. S.C.
(PEOPLE)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Eight, with directions to issue an alternative writ

The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Eight, with directions to vacate its order dated August 30, 2012, summarily denying the petition for writ of mandate, and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar. (See *Barnett v. Superior Court* (2010) 50 Cal.4th 890, 897-898; *In re Steele* (2004) 32 Cal.4th 682, 688, 693-695.)

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, Chin, Corrigan, and Liu, JJ.

S140173 **PEOPLE v. FRIEDMAN
(KENNETH)**

Appeal abated

The "Request to Dismiss the Appeal, Vacate the Judgment, and Remand With Directions to Abate the Proceedings," filed by appellant's counsel on November 13, 2012, is granted. As indicated in a certified copy of a certificate of death, appellant Kenneth Friedman died on August 26, 2012. All proceedings in *People v. Kenneth Friedman*, case no. S140173, are permanently abated, and the Superior Court of California, County of Los Angeles is directed to enter an order to that effect in case no. YA058210. (*People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

S206704 B189919 Second Appellate District, Div. 8 **PEOPLE v. VELA (CARLOS)**
Petition stricken (case closed)

The petition for review filed on November 19, 2012, is hereby ordered stricken for lack of jurisdiction.

S205087 H038237 Sixth Appellate District **DIAZ (DORA) ON H.C.**
Petition for review denied

S205111 B230629 Second Appellate District, Div. 8 **YOUNG (CHARLES) v.
SCHMIDT (GREGORY)/
(HOWARD JARVIS
TAXPAYERS ASSOCIATION)**

Petition for review denied

S205192 B231993 Second Appellate District, Div. 5 **PEOPLE v. FRITH (TROY
ANTHONY)**

Petition for review denied

S205221 E054153 Fourth Appellate District, Div. 2 **DEPARTMENT OF
CORRECTIONS &
REHABILITATION v.
WORKERS'
COMPENSATION APPEALS
BOARD & DECOURCEY, JR.,
(ROBERT)**

Petition for review denied

S205359 G044518 Fourth Appellate District, Div. 3 **PEOPLE v. CHEN (KATHY
YUAN)**

Petition for review denied

S205369 B231949 Second Appellate District, Div. 5 **PEOPLE v. GARCIA (JAIME
BASILIO)**

The petitions for review are denied without prejudice to any relief to which defendants might be entitled after this court decides *People v. Chiu*, S202724.

S205384	E052693 Fourth Appellate District, Div. 2	PEOPLE v. RICE (MATTHEW GRANT)
Petition for review denied		
S205395	A130106 First Appellate District, Div. 2	PEOPLE v. MACIAS (DAVID HOWARD)
Petition for review denied		
S205504	B230684 Second Appellate District, Div. 6	PEOPLE v. SPENCER (SANDRA ESPINOZA)
Petitions for review denied		
S205513	A134043 First Appellate District, Div. 3	PEOPLE v. EISON (ROBERT LEE)
Petition for review denied		
S205518	A133226 First Appellate District, Div. 3	PEOPLE v. COLEMAN (MALCOLM PAUL)
Petition for review denied		
S205526	G044032 Fourth Appellate District, Div. 3	PEOPLE v. DUFFEY (NEIL DEONTRAI)
Petitions for review denied		
S205541	B232241 Second Appellate District, Div. 6	PEOPLE v. MARTINEZ, JR., (ABRAHAM ENRIQUE)
Petition for review denied		
S205556	H035895 Sixth Appellate District	PEOPLE v. WANG, JR., (GREGORY EDWARD)
Petition for review denied		
S205561	D058124 Fourth Appellate District, Div. 1	PEOPLE v. SANTOS (LEONARD JESSE)
Petition for review denied		

S205579 D060134 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. KARLSON
(DANIEL KENRIC)**

S205582 B228461 Second Appellate District, Div. 6

Petition for review denied
Kennard, J., is of the opinion the petition should be granted.

**HOFFER (JOHN M. & LISA
M.), MARRIAGE OF**

S205587 B241132 Second Appellate District, Div. 3

Petition for review & depublication request(s) denied

**SWARTHOUT (GARY) v. S.C.
(CULVER CITY POLICE
DEPARTMENT)**

S205606 B233969 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. FARLOW
(STEVEN)**

S205655 B239776 Second Appellate District, Div. 1
Petition for review denied

CHISM (TODD) ON H.C.

S205656 B229271 Second Appellate District, Div. 3
Petition for review denied

PEOPLE v. WHITE (RICKY)

S205659 D061609 Fourth Appellate District, Div. 1

Petition for review denied

**H. (R.) v. S.C. (SAN DIEGO
COUNTY HEALTH &
HUMAN SERVICES
AGENCY)**

S205688 H036960 Sixth Appellate District

Petition for review denied

**VISWANATHAN (USHA) v.
LELAND STANFORD JR.
UNIVERSITY**

S205695 F062740 Fifth Appellate District
Petition for review denied

PEOPLE v. LOPEZ (FELIX)

S205698 H037048 Sixth Appellate District

Petition for review denied

**VISWANATHAN (USHA) v.
LELAND STANFORD JR.
UNIVERSITY**

S205709 B242733 Second Appellate District, Div. 5
Petition for review denied

ROCHIN (ADRIAN) ON H.C.

S205713 A136529 First Appellate District, Div. 2

Petition for review denied

**E. KENT HALVORSON, INC.
v. S.C. (JOHN BENWARD
COMPANY, INC.)**

S205728 E054358 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HARMON
(ATRAYBION)**

S205748 A132749 First Appellate District, Div. 3

Petition for review denied

**DIEPENBROCK (CLAIRE
LOUISE) v. BROWN
(KYLE)/(BROWN)/(VEEN)**

S205757 G047243 Fourth Appellate District, Div. 3

Petition for review denied

**DOLLAR RENT A CAR, INC.
v. S.C. (BOLING)**

S205764 B235949 Second Appellate District, Div. 1
Petition for review denied

PEOPLE v. CHAVEZ (STEVE)

S205767 A133510 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. LEONARD
(DANIEL)**

S205770	B234343 Second Appellate District, Div. 7	PEOPLE v. VILLASENOR (MARGARITO)
Petition for review denied		
S205774	E053942 Fourth Appellate District, Div. 2	PEOPLE v. SESSION (JEROME CORNELL)
Petition for review denied		
S205781	B216500 Second Appellate District, Div. 7	HINDIN (A. TOD) v. WEHNER & PERLMAN
Petitions for review denied		
S205787	E053889 Fourth Appellate District, Div. 2	PEOPLE v. CORRALES (ANTHONY VARELA)
Petition for review denied		
S205835	B230038 Second Appellate District, Div. 8	FOSTER (MATTHEW) v. WESTERN AIR LIMBACH LP
Petition for review denied		
S205840	C068570 Third Appellate District	PEOPLE v. OSEGUERA (LUIS PENA)
Petition for review denied		
S205843	B223061 Second Appellate District, Div. 7	HINDIN (A. TOD) v. RUST, JR., (EDWARD BARRY)
Petitions for review denied		
S205867	B228056 Second Appellate District, Div. 7	HINDIN (A. TOD) v. MONTGOMERY (WILLIAM)
Petitions for review denied		
The request for judicial notice is denied.		

S205874 B229513 Second Appellate District, Div. 2

Petition for review denied

Baxter, J., was recused and did not participate.

**PARK (WHASAM) v.
ARKEMA, INC.**

S205884 B231920 Second Appellate District, Div. 1

Petition for review denied

**JCC DEVELOPMENT CORP.
v. LEVY (HYMAN)**

S205886 B235351 Second Appellate District, Div. 1

Petition for review denied

**ACKERBERG (LISETTE) v.
CALIFORNIA COASTAL
COMMISSION (STATE
COASTAL CONSERVANCY)**

S205887 C069548 Third Appellate District

Petition for review denied

**PEOPLE v. FARMER
(PATRICK JAMES)**

S205901 B244058 Second Appellate District, Div. 4

Petition for review denied

**BUYCKS (JANEL) v. S.C.
(FREEDOM FINANCIAL
ACQUISITION LLC)**

S205906 B244059 Second Appellate District, Div. 4

Petition for review denied

**BUYCKS (JANEL) v. S.C.
(FREEDOM FINANCIAL
ACQUISITION LLC)**

S205930 B234453 Second Appellate District, Div. 3

Petition for review denied

Chin, J., was recused and did not participate.

**STROUD (RUBY) v. BANK OF
AMERICA, N.A.**

S205959	E052820 Fourth Appellate District, Div. 2	PEOPLE v. CAMPOS (CESAR CHANNE)
Petition for review denied		
S205976	A136504 First Appellate District, Div. 1	TORRES (RICHARD M.) ON H.C.
Petition for review denied		
S205984	C064053 Third Appellate District	PEOPLE v. PATTERSON (JENNIFER)
Petition for review denied		
S205988	D059634 Fourth Appellate District, Div. 1	PEOPLE v. NORTON, JR., (JONATHAN JAPHETH)
Petition for review denied		
S205991	G045955 Fourth Appellate District, Div. 3	PEOPLE v. SAULS (NOEL MARIE)
The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides <i>People v. Schaeffer</i> , S205306.		
S205993	B235282 Second Appellate District, Div. 7	PEOPLE v. OCAMPO (MANUEL)
Petition for review denied		
S205996	C069915 Third Appellate District	PEOPLE v. BROOKE (RANDOLPH GERALD)
Petition for review denied		
S205998	G047305 Fourth Appellate District, Div. 3	PEOPLE v. SARRESHTEDARI (MEHDI)
Petition for review denied		

S206013 H036936 Sixth Appellate District

Petition for review denied

**WHITE (GEORGE EDWARD)
ON H.C.**

S206018 C066417 Third Appellate District

Petition for review denied

**MILLER (ANN L.) &
BROCKMAN (DIANE),
DOMESTIC PARTNERSHIP
OF**

S206021 B237562 Second Appellate District, Div. 6

Petition for review denied

**GILLIES (DOUGLAS) v.
CALIFORNIA
RECONVEYANCE CO.**

S206023 C068904 Third Appellate District

Petition for review denied

**PEOPLE v. HAMMONDS
(CARLTON FARNSWORTH)**

S206029 G045646 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. MARTINEZ
(PAUL JAVIER)**

S206031 B238801 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. RODRIGUEZ
(JORGE L.)**

S206038 B244024 Second Appellate District, Div. 1

Petition for review denied

OATES (JEROME) ON H.C.

S206042 B244245 Second Appellate District, Div. 8

Petition for review denied

Liu, J., was recused and did not participate.

**STANFORD HOSPITAL &
CLINICS v. S.C. (SPRINGER)**

S206049 E056029 Fourth Appellate District, Div. 2
Petition for review denied

IN RE D.F.

S206050 B234490 Second Appellate District, Div. 6

Petition for review denied

**CHAPMAN (MINDY) v.
KENSINGTON PARK
RESIDENTIAL PROPERTY
OWNERS ASSOCIATION**

S206055 C071737 Third Appellate District

Petition for review denied

**SACRAMENTO, CITY OF v.
WORKERS'
COMPENSATION APPEALS
BOARD & OAKES
(TIMOTHY)**

S206056 C064710 Third Appellate District

Petition for review denied

**PEOPLE v. KENNEDY
(HANK)**

S206057 E053491 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BLAKEMAN IV
(LEON FRANCIS)**

S206060 C066796 Third Appellate District

Petition for review denied

**PEOPLE v. WATANABE, JR.,
(RANDALL)**

S206061 B234017 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. THIELEMANN
(MIKE KING)**

S206068 A133006 First Appellate District, Div. 5

Petition for review denied

**SYLVESTER (TOKUKO H.) v.
BENARD (JAY K.)**

S206079 F062982 Fifth Appellate District

**PEOPLE v. SILVA
(ORLANDO HERNANDEZ)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. McCullough*, S192513.

S206080 B236061 Second Appellate District, Div. 5
Petition for review denied

PEOPLE v. GARCIA (MAX J.)

S206521 B244698 Second Appellate District, Div. 7
Petition for review & application for stay denied

**WASHINGTON (WILLIAM
N.) v. S.C. (PEOPLE)**

S202304

**VILLASENOR (ANTONIO V.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 797-798; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S203012
Petition for writ of habeas corpus denied

DEAN (NICK E.) ON H.C.

S203183
Petition for writ of habeas corpus denied

**GALLARDO (JUAN L.) ON
H.C.**

S203604
Petition for writ of habeas corpus denied

**HUSSER (JOHN HAWKINS)
ON H.C.**

S203616
Petition for writ of habeas corpus denied

PRATT (RUBEN) ON H.C.

S203886**SCOTT (PATRICK D.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S204117**OROZCO (DAVID) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S204119**MAJANO (JENS) ON H.C.**

Petition for writ of habeas corpus denied

S204179**RODRIGUEZ-PONCE (LUIS
MIGUEL) ON H.C.**

Petition for writ of habeas corpus denied

S204182**CALLENDER (VINCENT A.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S204187**HOOKS (MELVIN KEITH)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S204458**WALTON (GLENN) ON H.C.**

Petition for writ of habeas corpus denied

S204670**BARRON (ANTHONY) ON
H.C.**

Petition for writ of habeas corpus denied

S204737**ROMERO (JESUS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S204740**WORD (MYRON EUGENE)
ON H.C.**

Petition for writ of habeas corpus denied

S204856**MARTINEZ (ISAI PABLO)
ON H.C.**

Petition for writ of habeas corpus denied

S204893**D. (D.) ON H.C.**

Petition for writ of habeas corpus denied

S204940**BRAMBILA (CECILIO
RAMOS) ON H.C.**

Petition for writ of habeas corpus denied

S204994**McGEE (BILLY WAYNE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205001**JACKSON (CALVIN DEON)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205035**PICKERING (WAYNE L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205089**LeBLANC (ROYALE) ON H.C.**

Petition for writ of habeas corpus denied

S205113**SMITH, SR., (RAYMOND) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205139**RUIZ (JORGE P.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

S205141**NARDELLO (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

S205155**RAMSEY (TYRONE) ON H.C.**

Petition for writ of habeas corpus denied

S205181**THROOP (EDWARD ANTHONY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205182**MAGEE (RUCHELL CINQUE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205183**COFFEY (GORDON) ON H.C.**

Petition for writ of habeas corpus denied

S205242

Petition for writ of habeas corpus denied

SOLIS (ARMANDO) ON H.C.**S205246**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

McKINSTRY (SCOTT P.) ON H.C.**S205267**

Petition for writ of habeas corpus denied

HENDERSON (JOSEPH) ON H.C.**S205274**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

CASTODIO (CHAUNCEY) ON H.C.**S205277**

Petition for writ of habeas corpus denied

GOMEZ (CARLOS) ON H.C.**S205278**

Petition for writ of habeas corpus denied

MACHADO (DELFINO CARDENAS) ON H.C.**S205282**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735.)

STAFFORD (BRIAN KEITH) ON H.C.**S205285**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304.)

TERRY (EDDIE G.) ON H.C.

S205286**GERLITS (JAMES PATRICK)
ON H.C.**

Petition for writ of habeas corpus denied

S205299**VERA (GUILLERMO) ON
H.C.**

Petition for writ of habeas corpus denied

S205300**WILLIAMS (OCTAVUS
VANSHON) ON H.C.**

Petition for writ of habeas corpus denied

S205303**COLE (NORRIS EDWARD)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205315**REYES (REUBEN JOSEPH)
ON H.C.**

Petition for writ of habeas corpus denied

S205326**VOIGHT (CURTIS J.) ON H.C.**

Petition for writ of habeas corpus denied

S205346**MURILLO (RAMON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

S205348**HERNANDEZ (LUIS A.) ON
H.C.**

Petition for writ of habeas corpus denied

S205372**HEILMAN (THOMAS JOHN)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S205374**BROWN (DELVOND) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S205375**TAYLOR (RUSSELL M.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

S205381**MARTINEZ (DEREK) ON
H.C.**

Petition for writ of habeas corpus denied

S205391**MURILLO (JORGE
ENRIQUE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

S205423**YOUNG (RONALD DEE) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

S205424**STERNI (MICHAEL ALLEN)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S205427**BARAJAS (JOSEPH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S205428**LUIS, JR., (SANTIAGO) ON
H.C.**

Petition for writ of habeas corpus denied

S205429**SAKELLARIDIS (VASILIS
FOTIOU) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

S205432**ARREGUIN (RALPH) ON
H.C.**

Petition for writ of habeas corpus denied

S205483**NOTHNAGEL (PREN) ON
H.C.**

Petition for writ of habeas corpus denied

S205515**ARISTA (ALFRED) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.)

S205574**ROSE (WAYNE L.) ON H.C.**

Petition for writ of habeas corpus denied

S205578**GARCIA (CARLOS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S205580**VICKERS, JR., (LARRY) ON
H.C.**

Petition for writ of habeas corpus denied

S205586**GRAY (RICK) ON H.C.**

Petition for writ of habeas corpus denied

S205597**GALARZE (SWAN IAN) ON
H.C.**

Petition for writ of habeas corpus denied

S205599**MENDOZA (GUILLERMO
ALVAREZ) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S205612****JACKSON (SHAWNEY DEE)
ON H.C.**

Petition for writ of habeas corpus denied

S205613**BACULANTA (RIC) ON H.C.**The petition for writ of habeas corpus is denied. (See *People v. Villa* (2009) 45 Cal.4th 1063.)**S205820****HOLT (DELECIA ANN) ON
H.C.**

Petition for writ of habeas corpus denied

S205951**MUHAMMAD (MALIK ALI)
ON H.C.**

Petition for writ of habeas corpus denied

S205982**STAMOS, JR., (JAMES
GEORGE) ON H.C.**

Petition for writ of habeas corpus denied

S206000**BHATT (JATEEN B.) ON H.C.**

Petition for writ of habeas corpus denied

S206173**CLARK (RAYMOND) ON
H.C.**

Petition for writ of habeas corpus denied

S206247**ABDULLAH (TYMIR IBN) ON
H.C.**

Petition for writ of habeas corpus denied

S206402**PEYTON (LEE) ON H.C.**

Petition for writ of habeas corpus denied

S205150

B233274 Second Appellate District, Div. 8

**NEMECEK & COLE v. HORN
(STEVEN J.)**

Depublication request denied (case closed)

S205170**COACHELLA VALLEY
COLLECTION SERVICE v.
GUEL (MARCELONO
CORRALES)**

Publication request denied (case closed)

S205679

H036219 Sixth Appellate District

**PRITIKIN (ROBERT) v.
COMERICA BANK**

Publication request denied (case closed)

S205870**PEOPLE v. OLGUIN
(MARCOS)**

Publication request denied (case closed)

S165649**PEOPLE v. COOK
(MICHAEL)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Marcia A. Morrissey is hereby appointed to represent appellant Michael Cook for the direct appeal in the above automatic appeal now pending in this court.

S178272**PEOPLE v. JOHNSON (BILLY JOE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Mark D. Lenenberg is hereby appointed to represent appellant Billy Joe Johnson for the direct appeal in the above automatic appeal now pending in this court.

S004607**PEOPLE v. HARDY (JAMES EDWARD) & REILLY (MARK ANTHONY)**

Motion for access to sealed record granted

The "Application/Motion to Permit Inspection and Copying of Confidential Supreme Court Records Concerning Representation of Appellant/Petitioner Reilly by Attorneys Maxwell Keith and Penelope Watson," filed on July 26, 2012, is granted in part as follows. Federal counsel for Reilly, Michael Clough, is granted access to the record in *People v. Hardy and Reilly* (S004607), including all sealed or confidential materials except materials pertaining solely to coappellant Hardy. The application is denied insofar as it seeks access to confidential communications exchanged between staff members of the California Appellate Project responsible for supervising the representation of Reilly by Keith and Watson and the court, and any other materials not contained in the record on appeal. Attorney Clough must supply the personnel and equipment necessary to undertake the examination and copying of the records described above, which must occur on the premises of this court.

S029843**PEOPLE v. BECK (JAMES DAVID) & CRUZ (GERALD DEAN)**

Record augmentation granted

Appellant Gerald Dean Cruz's "Request to Augment the Confidential Record on Appeal and to Unseal," filed on July 31, 2012, is granted as follows.

The Clerk is directed to file under seal the unredacted version of the request and the unredacted version of the declaration of counsel with Exhibit A, all of which were conditionally lodged under seal on July 31, 2012. This order is made pursuant to California Rules of Court rule 8.46, and the court makes all the necessary findings under this rule.

The record on appeal is augmented to include copies of the documents relating to requests and orders made pursuant to Penal Code section 987.9 that are collectively attached as Exhibit A to the unredacted version of the declaration of counsel.

In his habeas corpus petition, appellant may refer to and cite the following sealed Penal Code section 987.9 records: (1) Exhibit A to the unredacted version of the declaration of counsel; (2) 987.9 Hearing - April 29, 1992 - Judge Frank S. Pierson; (3) 987.9 Hearing - May 15, 1992 - Judge Frank S. Pierson; (4) 987.9 Hearing - August 7, 1992 - Judge Frank S. Pierson; (5) 987.9 Hearing - March 15, 2004 - Judge Edward M. Lacy Jr. (9 RT 167-176); (6) [Cruz's] Ex Parte In

Camera Motion for Appointment of Expert to Assist the Defense, filed October 24, 1990 (XVIB CT 3852-3860); (7) [Defendant Cruz's] Further Declaration for Request for Attorney Fees, filed June 24, 1991 (IVB CT 930-933); (8) Declaration and Order for Attorney Fees, filed March 20, 1992 (VIB CT 1705-1711); (9) Declaration and Order for Attorney Fees, filed May 15, 1992 (VIIB CT 1784-1791); (10) Declaration and Order for Attorney Fees, filed June 1, 1992 (VIIB CT 1828-1830); (11) Declaration and Order for Attorney Fees, filed June 5, 1992 (IXB CT 2302-2305); (12) Declaration and Order for Attorney Fees, filed June 5, 1992 (VB CT 1305-1307); and (13) [Defendant Cruz's] Declaration and Order re Expenses, filed June 30, 1992 (IXB CT 2345-2347). (Pen. Code, § 987.9, subd. (d); Cal. Rules of Court, rule 8.46(b)(1).)

The Clerk is directed to provide respondent with copies of these sealed records. These records remain under seal and their use is limited solely to proceedings in state or federal court arising from appellant's conviction and judgment of death. (Ibid.) This order is without prejudice to respondent's moving for access to additional sealed records under Penal Code section 987.9, subdivision (d).

Appellant's "Supplemental Application to Partially Unseal Records on Appeal," filed August 30, 2012, is granted in part, and denied in part, as follows.

Appellant's request to partially unseal the following records is denied as moot: (1) 987.9 Hearing, April 29, 1992, 1:30 p.m., Superior Court of California, County of Alameda (pages 1-6); (2) 987.9 Hearing, May 15, 1992, 10:20 a.m., Superior Court of California, County of Alameda (pages 1-7); and (3) 987.9 Hearing, August 7, 1992, 8:08 a.m., Superior Court of California, County of Alameda (pages 1-4). These records are the subject of appellant's "Request to Augment the Confidential Record on Appeal and to Unseal," filed on July 31, 2012, and are discussed above. Appellant's request to partially unseal the following records pertaining to former codefendants Ronald Wayne Willey, Richard Vieira, Michelle Evans, or James David Beck, is denied without prejudice to showing the absence of an existing privilege or privacy interest for these records residing in the relevant codefendant, or appellant's right to partially unseal these records notwithstanding the existence of a privilege or privacy interest: (1) November 27, 1990, Municipal Court of California, County of Stanislaus (pages 1-8); (2) November 28, 1990, 3:25 p.m., Municipal Court of California, County of Stanislaus; (3) In Camera Hearing, March 2, 1992, 11:50 a.m., Superior Court of California, County of Alameda (pages 1-7); (4) In Camera Hearing, June 4, 1992, 4:00 p.m., Superior Court of California, County of Alameda (pages 1-4), and (5) Probation Officer's Report and Recommendation for James David Beck, filed in the superior court on September 24, 1992 (see *People v. Connor* (2004) 115 Cal.App.4th 669).

Appellant's request to partially unseal the following records pertaining to him is granted in part. Respondent is given access to these sealed records: (1) In Camera Hearing, February 27, 1992, 10:05 a.m., Superior Court of California, County of Alameda (pages 1403-1428); (2) In Camera Hearing, March 2, 1992, 11:11 a.m., Superior Court of California, County of Alameda (pages 1-5); (3) In Camera Hearing, March 2, 1992, 11:45 a.m., Superior Court of California, County of Alameda (pages 1-4); (4) In Camera Hearing, March 31, 1992, 9:30 a.m., Superior Court of California, County of Alameda (pages 1-5); (5) "Confidential Declaration in Support of Separate Trials" (XVIIIB Sealed CT 3393-3395), filed on February 10, 1992; and (6) Probation Officer's Report and Recommendation for Gerald Dean Cruz, filed on September 24, 1992. The Clerk is directed to provide respondent with copies of these sealed records. If appellant wishes to refer to

or cite these records in a publicly filed habeas corpus petition, or publicly submit them as supporting exhibits, he should file a motion to unseal the records and make them part of the public record. This motion may be filed simultaneously with the petition.

For the court's convenience, any new or renewed requests to unseal made pursuant to this order must be filed in a single document.

S122123**PEOPLE v. RODRIGUEZ
(ANGELINA)**

Motion for access to sealed record granted

The Attorney General's Motion for Access to Sealed Reporter's Transcript, filed on September 20, 2012, is granted. The Clerk is directed to unseal reporter's transcript pages 479 to 501 and make the unsealed transcript part of the public record. (See Cal. Rules of Court, rules 8.326(c)(6), 8.610(b)(2), (b)(3).) The Clerk is further directed to provide a copy of the unsealed transcript to the Attorney General.

S158073**COWAN (ROBERT WESLEY)
ON H.C.**

Motion for access to sealed record granted

The Attorney General's "Motion to Release Copies of Sealed Exhibits Containing Juror Identifying Information to the Kern County District Attorney's Office," filed on November 8, 2012, is granted. The Attorney General is directed to provide copies of the following materials filed in the records in *People v. Cowan*, S055415, and *In re Cowan*, S158073, to the Kern County District Attorney's Office (attention Deputy District Attorney Michael Domino):

- 1) the unredacted version of Exhibit G filed in support of the petition for writ of habeas corpus;
- 2) the unredacted version of Exhibit G2 filed in support of the petition for writ of habeas corpus;
- 3) the unredacted version of Juror 045882's questionnaire (I First Supp. CT 202-221).

Except as provided herein, these documents remain under seal and their use must be limited solely to the pending proceeding. (Cal. Rules of Court, rule 8.46(f)(5), (g).) The parties must continue to refer to Juror 045882 solely by juror number in any documents filed publicly with this court. Nothing in this order is to be construed to alter the terms of any "no contact" order issued by the trial court pertaining to jurors.

S194705**HORNING (DANNY RAY) ON
H.C.**

Motion denied

Petitioner's "Application to File Supplement to Petition for Writ of Habeas Corpus," filed August 27, 2012, is denied. The Clerk is directed to file nunc pro tunc as of August 24, 2012, as a new original petition for writ of habeas corpus the documents entitled "Supplement to Petition for Writ of Habeas Corpus" and "Exhibits to Supplement to Petition for Writ of Habeas Corpus," which were received on August 24, 2012.

S206022**ACCUSATION OF GOMEZ**

Petition denied

(accusation)

S206043**ACCUSATION OF
CHAMBERLAIN**

Petition denied

(accusation)

S206058**ACCUSATION OF
SAMPERIO**

Petition denied

(accusation)

